

outlaw faith-based organizations from providing that childcare or require that if they are going to take the Federal money, that they are going to have to hire a workforce that doesn't believe in the same things they do.

That is how we go from what seems to be a relatively innocuous requirement into big trouble and into the executive branch trying to legislate new requirements that are not part of the underlying legislation.

Recent reporting indicates that companies of all types are preparing to make the play for CHIPS funding. This isn't limited to chips manufacturers. We are talking to every industry under the Sun—so-called ecosystem built around these fabs or manufacturing facilities.

The director of general economics at the Cato Institute explained why companies that don't make chips could be making a play for funding. Well, for one thing, I think it should be obvious that people are attracted to the opportunity of qualifying for these grants for this funding. But the director of general economics at Cato pointed to the Commerce Department's unrelated requirements as a suggestion that the administration isn't prioritizing national security. In other words, this should not be a Trojan horse to pass other policy priorities under the guise of protecting our national security.

And we don't want other, perhaps even more concerning, requirements to be added which were not part of the legislation that Congress passed or part of legislative intent.

Companies that do not manufacture chips now believe they have a shot at funding as long as they meet the other unrelated requirements. I want to be absolutely clear that that cannot be the case. In order for the CHIPS Program to succeed—in order to protect our economy and our national security—this needs to be a merit-based application process, with no additional requirements imposed as a condition to receive these grants that was certainly not part of legislative intent or even the debate here in Congress. It should not be used as a Trojan horse to get other policy priorities actually implemented when Congress had no such intent.

So these decisions to make these grants should not depend on relationships with labor unions or any other unrelated factors. It should be based solely on how each project will strengthen our national security and shore up this vulnerable supply chain.

We can't be in a situation where applicants that provide free childcare are favored over those who will do more to strengthen our national security. Again, that is fine if these companies want to do so. And I dare say many, if not all of them, will anyway. But it is a beginning that is concerning because this is a slippery slope to try to shoe-horn other policy priorities into something which will actually distract the Commerce Department and the U.S.

Government from doing what needs to be done when it comes to semiconductor manufacturing.

The CHIPS Program received strong bipartisan support and should remain far above the political fray. The ultimate goal is to boost domestic chip manufacturing, and I am glad to say we are beginning to move in the right direction.

Samsung from South Korea, Texas Instruments, and GlobiTech are expanding their footprint in Texas. Taiwanese Semiconductor Manufacturing Company is growing its presence in Arizona; Intel is putting down roots in Ohio; and Micron is expanding in New York. These are just a few of the announcements that have been made so far, and I expect more to come now that the CHIPS Program is up and running.

Texas has already been a leader in the semiconductor industry. And we are cementing that reputation with the addition of new and expanded chip fabs.

Gov. Greg Abbott is pushing to attract even more chip manufacturers to the Lone Star State. He has been working with leaders in the Texas Legislature this session, including Representative Greg Bonnen and Senator Joan Huffman, to help bring new semiconductor businesses to Texas.

The Texas Legislature recently introduced the Texas CHIPS Act, which would support all chip-related activity in the State—from research and development to design and manufacturing.

I appreciate their leadership on this front, and I am eager to see the positive impact of the chips on communities all across our State and, indeed, all across our Nation.

These are just a few of the investments that will support jobs, our economy, and our national security. The CHIPS Program is key to that success, and I hope the administration will avoid attaching controversial and additional requirements that could imperil or impede its success.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. BOOKER. Mr. President, I would like to ask consent—I know we have an order to vote at 1:45—to speak for about 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. BOOKER pertaining to the introduction of S. 850 and S. 851 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

NOMINATION OF JESSICA G.L. CLARKE

Mr. DURBIN. Mr. President, today, the Senate will vote to confirm Jessica G.L. Clarke to the U.S. District Court for the Southern District of New York.

Born in Akron, OH, Ms. Clarke received her B.A. from Northwestern University in 2001 and earned her J.D. from The Ohio State University Moritz College of Law in 2008. She then clerked for Judge Solomon Oliver, Jr., on the U.S. District Court for the

Southern District of Ohio from 2008 to 2010.

Ms. Clarke began her legal career in 2010, as a trial attorney at the Justice Department's Civil Rights Division in the Housing and Civil Enforcement Section. During her 6 years investigating and litigating civil rights violations, Ms. Clarke gained significant litigation experience, including successfully trying a "first-of-its-kind" housing discrimination case and also securing the largest settlement of its kind in another housing discrimination matter. In 2016, Ms. Clarke went into private practice in New York City for 3 years, focusing on commercial litigation and affirmative civil rights work. Since 2019, she has served as the chief of the Civil Rights Bureau at the New York State Office of the Attorney General, supervising the Bureau's attorneys and staff in enforcing Federal, State, and local civil rights laws in New York.

The American Bar Association has unanimously rated Ms. Clarke "qualified" to serve on the Southern District of New York. Senators SCHUMER and GILLIBRAND strongly support her nomination as well.

I will be supporting this outstanding nominee, and I urge all of my colleagues to do the same.

VOTE ON CLARKE NOMINATION

The PRESIDING OFFICER. Under the previous order, the Senate will resume executive session.

The question is, Will the Senate advise and consent to the Clarke nomination?

Ms. HASSAN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from California (Mrs. FEINSTEIN), the Senator from Pennsylvania (Mr. FETTERMAN), and the Senator from Vermont (Mr. SANDERS) are necessarily absent.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Wyoming (Mr. BARRASSO), the Senator from North Dakota (Mr. CRAMER), the Senator from Texas (Mr. CRUZ), the Senator from Kentucky (Mr. MCCONNELL), the Senator from Kansas (Mr. MORAN), and the Senator from South Carolina (Mr. SCOTT).

The result was announced—yeas 48, nays 43, as follows:

[Rollcall Vote No. 62 Ex.]

YEAS—48

Baldwin	Duckworth	Lujan
Bennet	Durbin	Manchin
Blumenthal	Gillibrand	Markey
Booker	Hassan	Menendez
Brown	Heinrich	Merkley
Cantwell	Hickenlooper	Murphy
Cardin	Hirono	Murray
Carper	Kaine	Ossoff
Casey	Kelly	Padilla
Coons	King	Peters
Cortez Masto	Klobuchar	Reed

Rosen	Smith	Warnock
Schatz	Stabenow	Warren
Schumer	Tester	Welch
Shaheen	Van Hollen	Whitehouse
Sinema	Warner	Wyden

NAYS—43

Blackburn	Grassley	Risch
Boozman	Hagerty	Romney
Braun	Hawley	Rounds
Britt	Hoeben	Rubio
Budd	Hyde-Smith	Schmitt
Capito	Johnson	Scott (FL)
Cassidy	Kennedy	Sullivan
Collins	Lankford	Thune
Cornyn	Lee	Tillis
Cotton	Lummis	Tuberville
Crapo	Marshall	Vance
Daines	Mullin	Wicker
Ernst	Murkowski	Young
Fischer	Paul	
Graham	Ricketts	

NOT VOTING—9

Barrasso	Feinstein	Moran
Cramer	Fetterman	Sanders
Cruz	McConnell	Scott (SC)

The nomination was confirmed.

The PRESIDING OFFICER (Mr. SCHATZ). Under the previous order, the motion to reconsider is considered made and laid upon the table, and the President will be immediately notified of the Senate's action.

The President pro tempore.

Mrs. MURRAY. Mr. President, I ask unanimous consent to speak for 15 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

FOX NEWS

Mrs. MURRAY. Mr. President, there are so many challenges facing us as a nation today, as we all know, but there is one overriding concern that I have. If we want our country to thrive and grow and be strong and be a democracy far into the future so we can solve the problems and challenges we face, then we must protect our democracy.

Democracy. It is the core principle of America, the idea that we are a country where we can debate and can have free speech and where our voices matter. Americans must be able to trust and believe that all of us here, no matter our opinions or our beliefs, have a shared view that our democracy is sacred, that we understand what that means, and that we have a responsibility as leaders to preserve it; a democracy where we make decisions, we use our voices, we debate, we vote, but we never use brute force to get what we want. If we allow brute force to win the day, that would be the end of our democracy.

Look, we agree and we disagree. We use our words to debate policy. We are passionate about what we believe in. But we also understand that not everything is debatable, that there is a reality in our world that we must understand and acknowledge and learn from so we can move forward as a country and make sure we never repeat the mistakes of the past. And I am talking about what happened on January 6, 2021.

On that day, an attempt was made to overthrow an election, to use brute force and violence to change the outcome. We must agree as a country that

using brute force to overturn this democracy is something we can never allow. In fact, if we want to solve any of those challenges in front of us, we need to have a strong democracy—period.

That is why I have to speak out today about what is happening with the release of the January 6 tapes and the total misuse by a FOX News personality to distort and change the truth of what happened that day.

As my colleagues know, I was here during the worst of the January 6 insurrection, and when I say “here,” I mean here in the Capitol Building. I didn’t happen to be on the floor when most Senators were evacuated; instead, I had to lock down in a room feet from here. I heard the crashes as those insurrectionists stormed this building. I heard their explicit calls for violence. I heard them banging on my door, trying to get in, trying to get me so they could do harm. I know firsthand that January 6 was a dark, violent chapter in our Nation’s history. So imagine my shock and my anger to hear a prime time FOX News host trying to downplay this horrific event, trying to say this was just people on a sightseeing tour.

I have taken constituents on a tour of the Capitol. I am sure the Presiding Officer has. I think we all know that you don’t bring gas masks on a tour. You don’t bring pepper spray on a tour. You do not bring bats or knives or tasers. They actually had zip-tie handcuffs in their possession.

Tourists don’t leave broken glass in the windows. They don’t leave the blood of our Capitol Police officers on the floor. Tourists don’t leave with stolen documents and laptops. They don’t smear feces on the wall, and they don’t put up gallows outside.

For FOX News to let Tucker Carlson try and paper over this by showing a few minutes of footage—which, by the way, to be clear, even that footage is showing people who walked past gates, barricades, blaring alarms, and police lines, in total disregard of the law, to go somewhere it is abundantly clear that they should not. But to show that footage and pretend that it shows the full story, while ignoring the reality of the footage of offices being ransacked, equipment being stolen, windows broken, ignoring the footage of White supremacists parading these halls with Confederate flags and zip-tie handcuffs, ignoring the footage of Capitol Police being swarmed and beaten and battered—officers suffered cracked ribs and severe brain injuries. One officer lost an eye. Other officers took their lives in the aftermath. To try and paper over all of this as a “sightseeing tour”—there just aren’t words that do my anger justice, and the ones that get close are simply not suitable for this Senate floor.

I am glad some Republican Senators have joined Democrats in calling out how dangerous and disingenuous this kind of coverage—or, perhaps more ap-

propriately, coverup—is. But, honestly, there is a lot more that needs to be said about how we got here. New documents from the Dominion lawsuit made clear FOX News knowingly let hosts spread lies about the election and let them inflame the public with baseless conspiracies.

I think my colleagues and reporters who cover me know I am not one to criticize the media lightly. I do not cry foul or bias or fake news at coverage that I don’t like. We live in a country with free speech and free press—thank goodness. We have many different points of view, and that all informs a robust debate in our democracy so people can effect change with their voices and their votes, not violence.

But there is a basic premise that debate rests on, a basic responsibility inherent in these important rights: honesty. For our democracy to work, for our great debates to guide it effectively, the people who inform our public—the free press that we so rightly cherish and protect—need honest brokers.

Let me be clear. When I say “honest,” I am not saying reporters have to be utterly objective or neutral or impersonal. I am not even saying they have to be 100 percent right all the time. No one is. But they have to tell the truth. They have to at least try to tell the truth. They owe that to the people whom they cover and the viewers who trust them. That shouldn’t be too much to ask. Truly, it is the barest of minimums. It is the lowest bar.

Yet, as the Dominion lawsuit is showing, FOX News has been utterly failing to meet it. In fact, they have been actively pushing lies and disinformation in the most cynical way possible.

The depositions and discovery have shown plain as day, FOX News personalities were spreading dangerous lies, promoting shameless liars, and what is more, FOX knew it. We aren’t talking about a difference of an opinion or an honest mistake. We are talking about fraud in prime time.

They repeatedly brought on Sidney Powell to spout baseless conspiracies about Dominion voting machines. All the while, Tucker Carlson told his producer that Powell was lying. He told his colleague Laura Ingraham that Powell was lying. Ingraham’s producer texted a FOX executive that he had told her the Dominion conspiracy was “BS.” Ingraham herself said Powell was a “complete nut.” Senior Vice President Shah said Powell was “clearly full of it.” Lou Dobbs’ producer told him it was “complete BS,” only for the show to have Powell on 3 days later.

I mean, the list of people at FOX News who knew President Biden fairly won that election and knew these fraud claims were baseless goes on and on, and, in fact, it goes straight to the top.

Rupert Murdoch, owner of FOX News, called Rudy Giuliani’s lies about the election “really crazy stuff.” Yet, as he admitted under oath, FOX News hosts